

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**STIPULATION AND ORDER MODIFYING THE  
SCHEDULING ORDER CONCERNING THE  
DETERMINATION OF THE BRIAN ROSS CLAIM**

WHEREAS:

1. On May 4, 2016, the Court entered an order establishing a briefing schedule and setting a hearing date regarding the Trustee's determination of the Brian Ross Claim (the "Scheduling Order"), as more fully set forth in the Scheduling Motion (ECF No. 13215).

2. Counsel for the Trustee and Brian Ross have agreed, subject to the approval of the Court, to modify the Scheduling Order to extend the date by which fact discovery will end, and the dates by which the parties must file their respective submissions with the Court. All other dates and stipulations pursuant to the Scheduling Order remain in effect.

NOW, THEREFORE, subject to the approval of the Court, it is hereby STIPULATED  
AND AGREED:

**A. Discovery**

1. On or before October 3, 2016, the Parties shall exchange affidavits or declarations along with any supporting documentation they intend to rely upon in support of their Motion and/or Memorandum of Law, and either a statement that they intend to rely only on such affidavits or declarations at the hearing or a list of witnesses that will testify at the hearing.

2. Fact discovery shall be completed by October 31, 2016.

**B. Motion Practice**

1. On or before December 2, 2016, the Trustee shall file a Motion combined with a Memorandum of Law for an Order to Affirm the Trustee's Determination Regarding the Brian Ross Claim (the "Brian Ross Customer Motion").

2. On or before December 2, 2016, SIPC may file a brief with respect to the Brian Ross Claim.

3. On or before December 16, 2016, Ross may file a brief in opposition with respect to the Brian Ross Claim.

4. On or before January 6, 2017, the Trustee may file any reply papers.

5. On or before January 6, 2017, SIPC may file any reply papers.

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**C. Court Hearings**

1. The Court shall hear the Brian Ross Customer Motion on January 25, 2017 (the “Omnibus Hearing Date”), at 10:00 am, but the Court will not take evidence on that date.

2. The parties shall enter into a stipulated joint pre-trial order that identifies stipulated facts and any open factual or legal issues and will file the joint pre-trial order no less than fourteen (14) days before the Omnibus Hearing Date.

Dated: August 23, 2016

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Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*

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*Attorneys for Claimant Brian Ross*

SO ORDERED

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

Dated: August 23, 2016  
New York, New York